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4 **BEFORE THE**
5 **BOARD OF REGISTERED NURSING**
6 **DEPARTMENT OF CONSUMER AFFAIRS**
7 **STATE OF CALIFORNIA**

8 In the Matter of the Accusation Against:

Case No. 2013-85

9 **LORI ANN SALLSTROM**
10 **P.O. Box 3647**
11 **Palm Desert, CA 92261**

DEFAULT DECISION AND ORDER

12 **Registered Nurse License No. 649271**

[Gov. Code, §11520]

13 Respondent.

14 **FINDINGS OF FACT**

15 1. On or about July 24, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her
16 official capacity as the Interim Executive Officer of the Board of Registered Nursing,
17 Department of Consumer Affairs, filed Accusation No. 2013-85 against Lori Ann Sallstrom
(Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

18 2. On or about December 8, 2004, the Board of Registered Nursing (Board) issued
19 Registered Nurse License No. 649271 to Respondent. The Registered Nurse License was in full
20 force and effect at all times relevant to the charges brought in Accusation No. 2013-85 and will
21 expire on July 31, 2014, unless renewed

22 3. On or about August 1, 2012, Respondent was served by Certified and First Class
23 Mail copies of the Accusation No. 2013-85, Statement to Respondent, Notice of Defense,
24 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
25 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
26 Code section 136 and California Code of Regulations, title 16, section 1409.1, is required to be
27 reported and maintained with the Board. Respondent's address of record was and is P.O. Box
28 3647, Palm Desert, CA 92261.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

3 5. On or about August 22, 2012, the certified mail receipt of aforementioned
4 documents was returned by the U.S. Postal Service indicating a delivery of the Accusation on
5 August 20, 2012.

6 6. Government Code section 11506 states, in pertinent part:

7 (c) The respondent shall be entitled to a hearing on the merits if the
8 respondent files a notice of defense, and the notice shall be deemed a specific
9 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

10 7. Respondent failed to file a Notice of Defense within 15 days after service upon
11 her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation
12 No. 2013-85.

13 8. California Government Code section 11520 states, in pertinent part:

14 (a) If the respondent either fails to file a notice of defense or to appear at
15 the hearing, the agency may take action based upon the respondent's express
16 admissions or upon other evidence and affidavits may be used as evidence
without any notice to respondent.

17 9. Pursuant to its authority under Government Code section 11520, the Board finds
18 Respondent is in default. The Board will take action without further hearing and, based on the
19 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
20 taking official notice of all the investigatory reports, exhibits and statements contained therein on
21 file at the Board's offices regarding the allegations contained in Accusation No. 2013-85, finds
22 that the charges and allegations in Accusation No. 2013-85, are separately and severally, found
23 to be true and correct by clear and convincing evidence.

24 10. Taking official notice of its own internal records, pursuant to Business and
25 Professions Code section 125.3, it is hereby determined that the reasonable costs for
26 Investigation and Enforcement is \$1,597.50 as of September 19, 2012.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Lori Ann Sallstrom has subjected her Registered Nurse License No. 649271 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. Respondent has subjected her registered nurse license to disciplinary action under Code sections 490 and 2761, subdivision (f), in that on or about February 23, 2012, in a criminal proceeding entitled *The People of the State of California v. Lori Ann Sallstrom*, in Riverside County Superior Court, Larson Justice Center, case number INM1108433, she was convicted on her plea of guilty of violating Vehicle Code (VC) section 23152, subdivision (b), driving with a blood alcohol content (BAC) of 0.08 percent or more, a misdemeanor substantially related to the qualifications, functions, and duties of a registered nurse.

b. Respondent has subjected her registered nurse license to disciplinary action under Code section 2762, subdivision (b), in that on or about August 20, 2011, she used alcoholic beverages to an extent or in a manner that was potentially dangerous and injurious to herself, and to others when she operated a motor vehicle while impaired with a significantly high blood alcohol concentration, and caused a collision due to her inebriated condition.

c. Respondent has subjected her registered nurse license to disciplinary action under Code section 2762, subdivision (c), in that on or about February 23, 2012, she was convicted of a criminal offense involving the consumption of alcohol.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 649271, heretofore issued to Respondent Lori Ann Sallstrom, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 29, 2013.

It is so ORDERED FEBRUARY 28, 2013.


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

70622462.DOC
DOJ Matter ID:SD2012703495

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation Case No. 2013-85

1 KAMALA D. HARRIS
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2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
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Attorneys for Complainant

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-85**

13 **LORI ANN SALLSTROM**
14 **P.O. Box 3647**
Palm Desert, CA 92261

A C C U S A T I O N

15 **Registered Nurse License No. 649271**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, State of
22 California.

23 2. On or about December 8, 2004, the Board of Registered Nursing issued
24 Registered Nurse License Number 649271 to Lori Ann Sallstrom (Respondent). The Registered
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on July 31, 2014, unless renewed. Respondent's license was issued following initial
27 denial of her license application and the filing of a Statement of Issues in Case Number 2004-
28 310. The license was issued and immediately revoked, with the revocation stayed and probation

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2 imposed for three years on terms and conditions, as is detailed more fully in paragraph 18,
3 below. Probation was completed on December 7, 2007.

4 **JURISDICTION**

5 3. This Accusation is brought before the Board of Registered Nursing (Board),
6 Department of Consumer Affairs, under the authority of the following laws. All section
7 references are to the Business and Professions Code unless otherwise indicated.

8 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent
9 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
10 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
11 Nursing Practice Act.

12 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a
13 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
14 against the licensee or to render a decision imposing discipline on the license. Under section
15 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

16 **STATUTORY PROVISIONS**

17 6. Section 482 of the Code states:

18 Each board under the provisions of this code shall develop criteria to
19 evaluate the rehabilitation of a person when:

20 (a) Considering the denial of a license by the board under Section 480;

or

21 (b) Considering suspension or revocation of a license under Section
22 490.

23 Each board shall take into account all competent evidence of rehabilitation
furnished by the applicant or licensee.

24 7. Section 490 of the Code provides, that a board may suspend or revoke a license on
25 the ground that the licensee has been convicted of a crime substantially related to the
26 qualifications, functions, or duties of the business or profession for which the license was issued.

27 8. Section 493 of the Code states:
28

1 Notwithstanding any other provision of law, in a proceeding conducted by
2 a board within the department pursuant to law to deny an application for a license
or to suspend or revoke a license or otherwise take disciplinary action against a

3 person who holds a license, upon the ground that the applicant or the licensee has
4 been convicted of a crime substantially related to the qualifications, functions, and
5 duties of the licensee in question, the record of conviction of the crime shall be
6 conclusive evidence of the fact that the conviction occurred, but only of that fact,
7 and the board may inquire into the circumstances surrounding the commission of
the crime in order to fix the degree of discipline or to determine if the conviction
is substantially related to the qualifications, functions, and duties of the licensee in
question.

8 As used in this section, "license" includes "certificate," "permit,"
9 "authority," and "registration."

10 9. Section 2761 of the Code states:

11 The board may take disciplinary action against a certified or licensed
12 nurse or deny an application for a certificate or license for any of the following:

13 (a) Unprofessional conduct, which includes, but is not limited to, the
14 following:

.....

15 (f) Conviction of a felony or of any offense substantially related to the
16 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

.....

17
18 10. Section 2762 of the Code states:

19 In addition to other acts constituting unprofessional conduct within the
20 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
for a person licensed under this chapter to do any of the following:

.....

21
22 (b) Use any controlled substance as defined in Division 10 (commencing
23 with Section 11000) of the Health and Safety Code, or any dangerous drug or
24 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
in a manner dangerous or injurious to himself or herself, any other person, or the
25 public or to the extent that such use impairs his or her ability to conduct with safety
to the public the practice authorized by his or her license.

26 (c) Be convicted of a criminal offense involving the prescription,
27 consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification of a
28 record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

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3 11. Section 2765 of the Code states:

4 A plea or verdict of guilty or a conviction following a plea of *nolo*
5 *contendere* made to a charge substantially related to the qualifications, functions
6 and duties of a registered nurse is deemed to be a conviction within the meaning
7 of this article. The board may order the license or certificate suspended or
8 revoked, or may decline to issue a license or certificate, when the time for appeal
9 has elapsed, or the judgment of conviction has been affirmed on appeal or when
10 an order granting probation is made suspending the imposition of sentence,
11 irrespective of a subsequent order under the provisions of Section 1203.4 of the
12 Penal Code allowing such person to withdraw his or her plea of guilty and to enter
13 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
14 accusation, information or indictment.

11 REGULATORY PROVISIONS

12 12. California Code of Regulations, title 16, section 1444, states:

13 A conviction or act shall be considered to be substantially related to the
14 qualifications, functions or duties of a registered nurse if to a substantial degree it
15 evidences the present or potential unfitness of a registered nurse to practice in a
16 manner consistent with the public health, safety, or welfare. Such convictions or
17 acts shall include but not be limited to the following:

- 18 (a) Assaultive or abusive conduct including, but not limited to, those
19 violations listed in subdivision (d) of Penal Code Section 11160.
20 (b) Failure to comply with any mandatory reporting requirements.
21 (c) Theft, dishonesty, fraud, or deceit.
22 (d) Any conviction or act subject to an order of registration pursuant to
23 Section 290 of the Penal Code.

24 13. California Code of Regulations, title 16, section 1445 states:

25 (b) When considering the suspension or revocation of a license on the
26 grounds that a registered nurse has been convicted of a crime, the board, in
27 evaluating the rehabilitation of such person and his/her eligibility for a license
28 will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
(2) Total criminal record.
(3) The time that has elapsed since commission of the act(s) or
offense(s).

1 (4) Whether the licensee has complied with any terms of parole,
2 probation, restitution or any other sanctions lawfully imposed against the
3 licensee.

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5 (5) If applicable, evidence of expungement proceedings pursuant
6 to Section 1203.4 of the Penal Code.

7 (6) Evidence, if any, of rehabilitation submitted by the licensee.

8 **COST RECOVERY**

9 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request
10 the administrative law judge to direct a licensee found to have committed a violation or
11 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
12 and enforcement of the case.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(February 23, 2012 Criminal Conviction for DUI on August 20, 2011)**

15 15. Respondent has subjected her registered nurse license to disciplinary action under
16 Code sections 490 and 2761, subdivision (f), in that she was convicted of a crime that is
17 substantially related to the qualifications, functions, and duties of a registered nurse. The
18 circumstances are as follows:

19 a. On or about February 23, 2012, in a criminal proceeding entitled *The*
20 *People of the State of California v. Lori Ann Sallstrom*, in Riverside County Superior Court,
21 Larson Justice Center, case number INM1108433, Respondent was convicted on her plea of
22 guilty of violating Vehicle Code (VC) section 23152, subdivision (b), driving with a blood
23 alcohol content (BAC) of 0.08 percent or more, a misdemeanor. Respondent admitted and the
24 court found true the allegation that Respondent's BAC was .15 percent or more, a sentencing
25 enhancement pursuant to VC section 23578. A charge for violating VC section 23152,
26 subdivision (a), driving under the influence (DUI) of alcohol, a misdemeanor, was dismissed
27 pursuant to a plea bargain.

28 b. As a result of the conviction, on or about February 23, 2012, Respondent
was sentenced to three years summary probation under the following terms and conditions:

1 commitment to the custody of the Riverside Sheriff's Office for 20 days, with credit for two days
2 served, and the balance of 18 days to be served in the Work Release Program; pay fines, fees,
3 and penalty assessments of \$2,650.34 and victim restitution to be determined by the Probation
4 Department; attend a county approved enhanced First Offender Drinking Driver Program
5 pursuant to Assembly Bill (AB) 353; and comply with the terms of standard DUI probation.

6 c. The facts that led to the conviction are that on or about August 20, 2011,
7 Respondent rear-ended another vehicle causing it to rear-end a third vehicle while they were
8 stopped in traffic in Indian Wells, California. A responding Deputy from the Riverside County
9 Sheriff's Department contacted Respondent and noticed her red and watery eyes and a strong
10 odor of alcohol from her breath. Respondent admitted to drinking one "Absolute Vodka on the
11 rocks with cranberry" prior to driving and stated that she could neither remember what happened
12 prior to the collision, how fast she was driving, nor whether she was wearing her seatbelt. The
13 Deputy conducted a standardized field sobriety test (FST). However, the test had to be stopped
14 prior to conclusion for Respondent's safety. The Deputy administered a preliminary alcohol
15 screening (PAS), which registered .219 and .213 percent BAC in the two tests administered. The
16 Deputy arrested Respondent for DUI and transported her to the Palm Desert Sheriff's Station
17 where another breath test was given, which registered .20 percent BAC in two attempts.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

20 16. Respondent has subjected her registered nurse license to disciplinary action under
21 Code section 2762, subdivision (b), in that on or about August 20, 2011, as described in
22 paragraph 15, above, Respondent used alcoholic beverages to an extent or in a manner that was
23 potentially dangerous and injurious to herself, and to others when she operated a motor vehicle
24 while impaired with a significantly high blood alcohol concentration, and caused the collision due
25 to her inebriated condition.

26 **THIRD CAUSE FOR DISCIPLINE**

27 **(Unprofessional Conduct - Conviction of an Alcohol Related Criminal Offense)**

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17. Respondent has subjected her registered nurse license to disciplinary action under Code section 2762, subdivision (c), in that on or about February 23, 2012, as described in paragraph 15, above, Respondent was convicted of a criminal offense involving the consumption of alcohol.

DISCIPLINARY CONSIDERATIONS

18. Pursuant to California Code of Regulations, title 16, section 1445, to determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that in a prior disciplinary action entitled *In the Matter of the Statement of Issues Against Lori Ann Sallstrom*, in case number 2004-310, the Board of Registered Nursing adopted the proposed decision of the administrative law judge, revoking Respondent's registration effective December 8, 2004. The revocation was stayed, and Respondent was placed on three years probation on certain terms and conditions. That decision is now final. The allegations in the Statement of Issues, which Respondent admitted to be true, are as follows:

a. On or about October 10, 1990, in a prior criminal proceeding entitled *The People of the State of California vs. Lori Ann Sallstrom*, in Palm Springs Municipal Court, case number 101955, Respondent was convicted on her plea of *nolo contendere* of violating VC section 23152, subdivision (a), DUI, a misdemeanor charged for driving with a BAC over .08 percent on October 31, 1989.

b. On or about August 27, 1992, in a prior criminal proceeding entitled *The People of the State of California vs. Lori Ann Sallstrom*, in Palm Springs Municipal Court, case number 9223, Respondent was convicted on her plea of guilty of violating VC section 23103.5, acceptance of guilty or *nolo contendere* plea to violation of VC section 23103, reckless driving, in place of charge for violation of VC section 23152, DUI, a misdemeanor charged for driving after consuming alcoholic beverages on June 22, 1992.

c. On or about November 14, 1996, in a prior criminal proceeding entitled *The People of the State of California vs. Lori Ann Sallstrom*, in Riverside County Superior Court, case number 063774, Respondent was convicted on her plea of guilty of violating VC section 23152, subdivision (a), DUI, and subdivision (b), driving with a BAC over .08 percent, with

1 admission of a prior DUI conviction within a seven year period, misdemeanors charged for
2 driving a motor vehicle with three children while BAC was .33 percent resulting to a traffic
3 collision on September 14, 1996.

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5 d. On or about June 3, 1997, in a prior criminal proceeding entitled *The*
6 *People of the State of California vs. Lori Ann Sallstrom*, in Riverside County Superior Court,
7 case number INM069883, Respondent was convicted on her plea of guilty of violating VC
8 section 12500, driving without a valid driver's license, charged for driving a motor vehicle with
9 a suspended driver's license on March 3, 1997.

10 e. On or about November 30, 1999, in a prior criminal proceeding entitled
11 *The People of the State of California vs. Lori Ann Sallstrom*, in Riverside County Superior Court,
12 case number INM098190, Respondent was convicted on her plea of guilty of violating VC
13 section 20002, hit and run, charged for driving a vehicle and hitting the rear end of the car that
14 was stopped in front of her at the stop sign and failing to stop on July 16, 1999.

15 f. On or about the weekend before April 10, 2000, a Monday, when
16 Respondent was employed as a vocational nurse at Core Home Health Services in Palm Desert,
17 California and was responsible for the care of a pediatric patient in his home, she reported to
18 work that day after she had consumed large amounts of alcohol during the weekend. Due to
19 Respondent's alcohol consumption, she was not capable, either mentally or physically, of caring
20 for a patient. Respondent walked with an unsteady gait, had slurred speech, could not focus her
21 eyes, and then fell asleep on the job. The minor patient's mother called Respondent's supervisor
22 who found her asleep in the patient's room. Respondent was terminated from her position and
23 she later admitted to being an alcoholic.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein
26 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 649271, issued to
28 Lori Ann Sallstrom;

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5 2. Ordering Lori Ann Sallstrom to pay the Board of Registered Nursing the
6 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
7 Professions Code section 125.3;

8 3. Taking such other and further action as deemed necessary and proper.
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11
12 DATED:

7/24/2012



13 for LOUISE R. BAILEY, M.ED., RN
14 Interim Executive Officer
15 Board of Registered Nursing
16 State of California
17 State of California
18 Complainant

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

LORI ANN SALLSTROM
P.O. Box 3647
Palm Desert, CA 92261

Case No. 2004-310

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on December 4, 2004.

IT IS SO ORDERED November 4, 2004.

Sandra R. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

**BOARD OF REGISTERED NURSING**

P O Box 944210, Sacramento, CA 94244-2100

TDD (916) 322-1700

Telephone (916) 322-3350

www.m.ca.gov



Ruth Ann Terry, MPH, RN
Executive Officer

November 4, 2004

Lori Ann Sallstrom
P.O. Box 3647
Palm Desert, CA 92261

Dear Ms. Sallstrom:

Enclosed is a Decision and Order granting your application for licensure by examination, effective **December 4, 2004**. Upon fulfilling all licensure requirements and successfully passing the licensure examination, a license will be issued and immediately revoked. The order of revocation will be stayed and you will be placed on probation for **three (3)** years upon the terms and conditions listed in the Decision and Order.

This letter also serves as notification that you **have passed the NCLEX-RN exam**. On the effective date of your board decision your application file will be returned to the Licensing Unit in order to proceed with the licensure process.

Please contact the Probation Unit at (916) 323-8529 on receipt of this letter. You will be informed of your initial orientation meeting with a probation monitor in a subsequent letter.

If you have any questions relative to this decision, please contact the probation unit at (916) 323-8529.

Sincerely,

BOARD OF REGISTERED NURSING


Christina Sprigg
Applicant Desk Analyst

Enc. Copy of decision

cc: Rita M. Lane, DAG
Probation Unit
Licensing Unit

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2 RITA M. LANE, State Bar No. 171352
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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2004-310

13 LORI ANN SALLSTROM
P.O. Box 3647
14 Palm Desert, CA 92261

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Applicant.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Rita M.
23 Lane, Deputy Attorney General.

24 2. LORI ANN SALLSTROM (Applicant) is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 JURISDICTION

27 3. Statement of Issues No. 2004-310 was filed before the Board of Registered
28 Nursing (Board), Department of Consumer Affairs, and is currently pending against Applicant.

1 4. The Board acquired jurisdiction over Applicant because Applicant's
2 application for license as a registered nurse was denied on or about May 22, 2003 and applicant
3 requested a hearing following that denial. Subsequently, a Statement of Issues was filed by the
4 Board and was served on Applicant on or about May 6, 2004. A copy of Statement of Issues No.
5 2004-310 is attached hereto as Exhibit A and incorporated herein as though fully set forth herein

6 ADVISEMENT AND WAIVERS

7 5. Applicant has carefully read and understands the charges and allegations in
8 Statement of Issues No. 2004-310 and the effects of this Agreement.

9 6. Applicant understands the nature of the charges alleged in the Statement of
10 Issues and that the charges and allegations, if proven at hearing, constitute cause for denying
11 Applicant's application for licensure as a Registered Nurse.

12 7. Applicant is fully aware of her legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Statement of Issues; the right to be
14 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
15 against her; the right to present evidence and to testify on her own behalf; the right to the
16 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
17 the right to reconsideration and court review of an adverse decision; and all other rights accorded
18 by the California Administrative Procedure Act (Gov. Code section 11500, et seq.) and other
19 applicable laws.

20 8. Applicant voluntarily, knowingly and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 9. Applicant admits the truth of each and every charge and allegation in
24 Statement of Issues No. 2004-310.

25 10. Applicant agrees that her registered nursing license is subject to denial and
26 she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
27 Order below.

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1 1. **Obey All Laws.** Applicant shall obey all federal, state and local laws. A
2 full and detailed account of any and all violations of law shall be reported by Applicant to the
3 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
4 compliance with this condition, Applicant shall submit completed fingerprint forms and
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
6 as part of the licensure application process.

7 **Criminal Court Orders:** If Applicant is under criminal court orders, including
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10 2. **Comply with the Board's Probation Program.** Applicant shall fully
11 comply with the conditions of the Probation Program established by the Board and cooperate
12 with representatives of the Board in its monitoring and investigation of the Applicant's
13 compliance with the Board's Probation Program. Applicant shall inform the Board in writing
14 within no more than 15 days of any address change and shall at all times maintain an active,
15 current license status with the Board, including during any period of suspension.

16 Upon successful completion of probation, Applicant's license shall be fully
17 restored.

18 3. **Report in Person.** Applicant, during the period of probation, shall appear
19 in person at interviews/meetings as directed by the Board or its designated representatives.

20 4. **Residency, Practice, or Licensure Outside of State.** Periods of
21 residency or practice as a registered nurse outside of California shall not apply toward a reduction
22 of this probation time period. Applicant's probation is tolled, if and when she resides outside of
23 California. Applicant must provide written notice to the Board within 15 days of any change of
24 residency or practice outside the state, and within 30 days prior to re-establishing residency or
25 returning to practice in this state.

26 Applicant shall provide a list of all states and territories where she has ever been
27 licensed as a registered nurse, vocational nurse, or practical nurse. Applicant shall further
28 provide information regarding the status of each license and any changes in such license status

1 during the term of probation. Applicant shall inform the Board if she applies for or obtains a
2 new nursing license during the term of probation.

3 **5. Submit Written Reports.** Applicant, during the period of probation, shall
4 submit or cause to be submitted such written reports/declarations and verification of actions
5 under penalty of perjury, as required by the Board. These reports/declarations shall contain
6 statements relative to Applicant's compliance with all the conditions of the Board's Probation
7 Program. Applicant shall immediately execute all release of information forms as may be
8 required by the Board or its representatives.

9 Applicant shall provide a copy of this Decision to the nursing regulatory agency in
10 every state and territory in which she has a registered nurse license.

11 **6. Function as a Registered Nurse.** Applicant, during the period of
12 probation, shall engage in the practice of registered nursing in California for a minimum of 24
13 hours per week for 6 consecutive months or as determined by the Board.

14 For purposes of compliance with the section, "engage in the practice of registered
15 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
16 work in any non-direct patient care position that requires licensure as a registered nurse.

17 The Board may require that advanced practice nurses engage in advanced practice
18 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
19 Board.

20 If Applicant has not complied with this condition during the probationary term,
21 and Applicant has presented sufficient documentation of her good faith efforts to comply with
22 this condition, and if no other conditions have been violated, the Board, in its discretion, may
23 grant an extension of Applicant's probation period up to one year without further hearing in order
24 to comply with this condition. During the one year extension, all original conditions of
25 probation shall apply.

26 **7. Employment Approval and Reporting Requirements.** Applicant shall
27 obtain prior approval from the Board before commencing or continuing any employment, paid or
28 voluntary, as a registered nurse. Applicant shall cause to be submitted to the Board all

1 performance evaluations and other employment related reports as a registered nurse upon request
2 of the Board.

3 Applicant shall provide a copy of this Decision to her employer and immediate
4 supervisors prior to commencement of any nursing or other health care related employment.

5 In addition to the above, Applicant shall notify the Board in writing within
6 seventy-two (72) hours after she obtains any nursing or other health care related employment.

7 Applicant shall notify the Board in writing within seventy-two (72) hours after she is terminated
8 or separated, regardless of cause, from any nursing, or other health care related employment with
9 a full explanation of the circumstances surrounding the termination or separation.

10 **8. Supervision.** Applicant shall obtain prior approval from the Board
11 regarding Applicant's level of supervision and/or collaboration before commencing or continuing
12 any employment as a registered nurse, or education and training that includes patient care.

13 Applicant shall practice only under the direct supervision of a registered nurse in
14 good standing (no current discipline) with the Board of Registered Nursing, unless alternative
15 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
16 are approved.

17 Applicant's level of supervision and/or collaboration may include, but is not
18 limited to the following:

19 (a) Maximum - The individual providing supervision and/or collaboration is
20 present in the patient care area or in any other work setting at all times.

21 (b) Moderate - The individual providing supervision and/or collaboration is in
22 the patient care unit or in any other work setting at least half the hours Applicant works.

23 (c) Minimum - The individual providing supervision and/or collaboration has
24 person-to-person communication with Applicant at least twice during each shift worked.

25 (d) Home Health Care - If Applicant is approved to work in the home health
26 care setting, the individual providing supervision and/or collaboration shall have person-to-
27 person communication with Applicant as required by the Board each work day. Applicant shall
28 maintain telephone or other telecommunication contact with the individual providing supervision

1 and/or collaboration as required by the Board during each work day. The individual providing
2 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits
3 to patients' homes visited by Applicant with or without Applicant present.

4 **9. Employment Limitations.** Applicant shall not work for a nurse's
5 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
6 traveling nurse, or for an in-house nursing pool.

7 Applicant shall not work for a licensed home health agency as a visiting nurse
8 unless the registered nursing supervision and other protections for home visits have been
9 approved by the Board. Applicant shall not work in any other registered nursing occupation
10 where home visits are required.

11 Applicant shall not work in any health care setting as a supervisor of registered
12 nurses. The Board may additionally restrict Applicant from supervising licensed vocational
13 nurses and/or unlicensed assistive personnel on a case-by-case basis.

14 Applicant shall not work as a faculty member in an approved school of nursing or
15 as an instructor in a Board approved continuing education program.

16 Applicant shall work only on a regularly assigned, identified and predetermined
17 worksite(s) and shall not work in a float capacity.

18 If Applicant is working or intends to work in excess of 40 hours per week, the
19 Board may request documentation to determine whether there should be restrictions on the hours
20 of work.

21 **10. Complete a Nursing Course(s).** Applicant, at her own expense, shall
22 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
23 than six months prior to the end of her probationary term.

24 Applicant shall obtain prior approval from the Board before enrolling in the
25 course(s). Applicant shall submit to the Board the original transcripts or certificates of
26 completion for the above required course(s). The Board shall return the original documents to
27 Applicant after photocopying them for its records.

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1 **11. Violation of Registered Nursing Probation.** If Applicant violates the
2 conditions of her probation, the Board after giving Applicant notice and an opportunity to be
3 heard, may set aside the stay order and impose the stayed discipline, revocation of Applicant's
4 license.

5 If during the period of probation, an accusation or petition to revoke probation has
6 been filed against Applicant's license or the Attorney General's Office has been requested to
7 prepare an accusation or petition to revoke probation against Applicant's license, the
8 probationary period shall automatically be extended and shall not expire until the accusation or
9 petition has been acted upon by the Board.

10 **12. Violation of Licensed Vocational Nursing Probation.** Applicant also
11 has a Vocational Nurse License which is currently being disciplined by the Board of Vocational
12 Nursing and Psychiatric Technicians ("LVN Board") in Case No. 6492. In 2003, Applicant
13 entered into a stipulated settlement with the LVN Board wherein her license was revoked and
14 placed on probation for 3 years with certain terms and conditions. Any violation of Applicant's
15 LVN probation will be a violation of Applicant's Registered Nursing probation.

16 If during the period of the LVN Board probation, an accusation or petition to
17 revoke probation has been filed against Applicant's license by the LVN Board or the Attorney
18 General's Office has been requested to prepare an accusation or petition to revoke probation
19 against Applicant's Vocational Nursing license, the probationary period shall automatically be
20 extended and shall not expire until the accusation or petition has been acted upon by the LVN
21 Board.

22 **13. License Surrender.** During Applicant's term of probation, if she ceases
23 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
24 probation, Applicant may surrender her license to the Board. The Board reserves the right to
25 evaluate Applicant's request and to exercise its discretion whether to grant the request, or to take
26 any other action deemed appropriate and reasonable under the circumstances, without further
27 hearing. Upon formal acceptance of the tendered license and wall certificate, Applicant will no
28 longer be subject to the conditions of probation.

Surrender of Applicant's license shall be considered a disciplinary action and shall become a part of Applicant's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

14. **Physical Examination.** Within 45 days of the effective date of this Decision, Applicant, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Applicant's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Applicant with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Applicant is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Applicant by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Applicant shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Applicant shall not engage in any practice for which a license issued by the Board is required until the Board has notified Applicant that a medical determination permits Applicant to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Applicant fails to have the above assessment submitted to the Board within the 45-day requirement, Applicant shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant,

1 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
2 by Applicant to obtain the assessment, and a specific date for compliance must be provided.
3 Only one such waiver or extension may be permitted.

4 **15. Participate in Treatment/Rehabilitation Program for Chemical**
5 **Dependence.** Applicant, at her expense, shall successfully complete during the probationary
6 period or shall have successfully completed prior to commencement of probation a Board-
7 approved treatment/rehabilitation program of at least six months duration. As required, reports
8 shall be submitted by the program on forms provided by the Board. If Applicant has not
9 completed a Board-approved treatment/rehabilitation program prior to commencement of
10 probation, Applicant, within 45 days from the effective date of the decision, shall be enrolled in a
11 program. If a program is not successfully completed within the first nine months of probation,
12 the Board shall consider Applicant in violation of probation.

13 Based on Board recommendation, each week Applicant shall be required to attend
14 at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
15 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
16 by the Board. If a nurse support group is not available, an additional 12-step meeting or
17 equivalent shall be added. Applicant shall submit dated and signed documentation confirming
18 such attendance to the Board during the entire period of probation. Applicant shall continue with
19 the recovery plan recommended by the treatment/rehabilitation program or a licensed mental
20 health examiner and/or other ongoing recovery groups.

21 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Applicant
22 shall completely abstain from the possession, injection or consumption by any route of all
23 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a
24 health care professional legally authorized to do so as part of documented medical treatment.
25 Applicant shall have sent to the Board, in writing and within fourteen (14) days, by the
26 prescribing health professional, a report identifying the medication, dosage, the date the
27 medication was prescribed, the Applicant's prognosis, the date the medication will no longer be
28 required, and the effect on the recovery plan, if appropriate.

1 Applicant shall identify for the Board a single physician, nurse practitioner or
2 physician assistant who shall be aware of Applicant's history of substance abuse and will
3 coordinate and monitor any prescriptions for Applicant for dangerous drugs, controlled
4 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
5 assistant shall report to the Board on a quarterly basis Applicant's compliance with this
6 condition. If any substances considered addictive have been prescribed, the report shall identify a
7 program for the time limited use of any such substances.

8 The Board may require the single coordinating physician, nurse practitioner, or
9 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
10 addictive medicine.

11 17. **Submit to Tests and Samples.** Applicant, at her expense, shall
12 participate in a random, biological fluid testing or a drug screening program which the Board
13 approves. The length of time and frequency will be subject to approval by the Board. Applicant
14 is responsible for keeping the Board informed of Applicant's current telephone number at all
15 times. Applicant shall also ensure that messages may be left at the telephone number when she is
16 not available and ensure that reports are submitted directly by the testing agency to the Board, as
17 directed. Any confirmed positive finding shall be reported immediately to the Board by the
18 program and Applicant shall be considered in violation of probation.

19 In addition, Applicant, at any time during the period of probation, shall fully
20 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
21 tests and samples as the Board or its representatives may require for the detection of alcohol,
22 narcotics, hypnotics, dangerous drugs, or other controlled substances.

23 If Applicant has a positive drug screen for any substance not legally authorized
24 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
25 Board files a petition to revoke probation or an accusation, the Board may suspend Applicant
26 from practice pending the final decision on the petition to revoke probation or the accusation.
27 This period of suspension will not apply to the reduction of this probationary time period.

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1 If Applicant fails to participate in a random, biological fluid testing or drug
2 screening program within the specified time frame, Applicant shall immediately cease practice
3 and shall not resume practice until notified by the Board. After taking into account documented
4 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
5 Board may suspend Applicant from practice pending the final decision on the petition to revoke
6 probation or the accusation. This period of suspension will not apply to the reduction of this
7 probationary time period.

8 **18. Mental Health Examination.** Applicant shall, within 45 days of the
9 effective date of this Decision, have a mental health examination including psychological testing
10 as appropriate to determine her capability to perform the duties of a registered nurse. The
11 examination will be performed by a psychiatrist, psychologist or other licensed mental health
12 practitioner approved by the Board. The examining mental health practitioner will submit a
13 written report of that assessment and recommendations to the Board. All costs are the
14 responsibility of Applicant. Recommendations for treatment, therapy or counseling made as a
15 result of the mental health examination will be instituted and followed by Applicant.

16 If Applicant is determined to be unable to practice safely as a registered nurse, the
17 licensed mental health care practitioner making this determination shall immediately notify the
18 Board and Applicant by telephone, and the Board shall request that the Attorney General's office
19 prepare an accusation or petition to revoke probation. Applicant shall immediately cease practice
20 and may not resume practice until notified by the Board. During this period of suspension,
21 Applicant shall not engage in any practice for which a license issued by the Board is required,
22 until the Board has notified Applicant that a mental health determination permits Applicant to
23 resume practice. This period of suspension will not apply to the reduction of this probationary
24 time period.

25 If Applicant fails to have the above assessment submitted to the Board within the
26 45-day requirement, Applicant shall immediately cease practice and shall not resume practice
27 until notified by the Board. This period of suspension will not apply to the reduction of this
28 probationary time period. The Board may waive or postpone this suspension only if significant,

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1 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
2 by Applicant to obtain the assessment, and a specific date for compliance must be provided.
3 Only one such waiver or extension may be permitted.

4 19. **Therapy or Counseling Program.** Applicant, at her expense, shall
5 participate in an on-going counseling program until such time as the Board releases her from this
6 requirement and only upon the recommendation of the counselor. Written progress reports from
7 the counselor will be required at various intervals.

8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order. I
10 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
11 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly and intelligently,
12 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

13 DATED: 7/13/04

14 Lori Ann Sallstrom
15 LORI ANN SALLSTROM
16 Applicant

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
20 Affairs.

21 DATED: 7-2004

22 BILL LOCKYER, Attorney General
23 of the State of California

24 Rita M. Lane
25 RITA M. LANE
26 Deputy Attorney General
27 Attorneys for Complainant

28 DOJ Docket/Matter ID Number: SD2003300437
SALLSTROM Settlement Agreement.wpd

Exhibit A
Statement of Issues No. 2004-310

1 BILL LOCKYER, Attorney General
of the State of California
2 RITA LANE MEDELLIN, State Bar No. 171352
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2614
Facsimile: (619) 645-2061

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues Against:

Case No. 2004-310

12 LORI ANN SALLSTROM
13 P.O. Box 3647
14 Palm Desert, CA 92261

STATEMENT OF ISSUES

15 Applicant.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Statement of
20 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about January 31, 2003, the Board of Registered Nursing,
23 Department of Consumer Affairs received an application for a Registered Nurse License from
24 LORI ANN SALLSTROM (Applicant). On or about January 10, 2003, LORI ANN
25 SALLSTROM certified under penalty of perjury to the truthfulness of all statements, answers,
26 and representations in the application. The Board denied the application on May 22, 2003.

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1 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
2 thereof.

3 6. Section 2736 of the Code provides, in pertinent part, that the Board may
4 deny a license when it finds that the applicant has committed any acts constituting grounds for
5 denial of licensure under section 480 of that code.

6 7. California Code of Regulations, title 16, section 1444, states:

7 A conviction or act shall be considered to be substantially related to the
8 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
9 present or potential unfitness of a registered nurse to practice in a manner consistent with the
10 public health, safety, or welfare.

11 8. Section 480 of the Code states:

12 (a) A board may deny a license regulated by this code on the grounds that the
13 applicant has one of the following:

14 (1) Been convicted of a crime. A conviction within the meaning of this section
15 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
16 which a board is permitted to take following the establishment of a conviction may be taken
17 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
18 or when an order granting probation is made suspending the imposition of sentence, irrespective
19 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

20 ...

21 (3) Done any act which if done by a licentiate of the business or profession in
22 question, would be grounds for suspension or revocation of license.

23 The board may deny a license pursuant to this subdivision only if the crime or act
24 is substantially related to the qualifications, functions or duties of the business or profession for
25 which application is made.

26 9. Section 493 of the Code states:

27 Notwithstanding any other provision of law, in a proceeding conducted by a board
28 within the department pursuant to law to deny an application for a license or to suspend

1 or revoke a license or otherwise take disciplinary action against a person who holds a
2 license, upon the ground that the applicant or the licensee has been convicted of a crime
3 substantially related to the qualifications, functions, and duties of the licensee in question,
4 the record of conviction of the crime shall be conclusive evidence of the fact that the
5 conviction occurred, but only of that fact, and the board may inquire into the
6 circumstances surrounding the commission of the crime in order to fix the degree of
7 discipline or to determine if the conviction is substantially related to the qualifications,
8 functions, and duties of the licensee in question.

9 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
10 'registration.'"

11 PRIOR DISCIPLINARY ACTION

12 10. Applicant is licensed as a Vocational Nurse and holds Vocational Nurse
13 License Number 173448. Effective July 12, 2003, in a disciplinary action before the Board of
14 Vocational Nursing and Psychiatric Technicians in case number 6492 and entitled: "In the Matter
15 of the Accusation Against: Lori Sallstrom," applicant's vocational nurse license was revoked.
16 However, the revocation was stayed and Applicant's license was placed on probation for a period
17 of three years with certain terms and conditions.

18 FIRST CAUSE FOR DENIAL OF APPLICATION

19 (Conviction of a Crime Involving the Use of Alcohol)

20 11. Applicant's application is subject to denial under Code sections 480(a)(1),
21 2761(f) and 2762(c) for unprofessional conduct, in that applicant was convicted of a crime
22 involving the consumption of alcohol. The circumstances are as follows:

23 a. On or about October 10, 1990, in Palm Springs Municipal Court,
24 Desert Branch, case number 101955, entitled *People v. Lori Ann Sallstrom*, applicant was
25 convicted by the court on her plea of nolo contendere to violating Vehicle Code section 23152(a)
26 (driving under the influence).

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1 b. The factual basis for the conviction is that on or about October 31,
2 1989, applicant willfully and unlawfully drove a vehicle while her blood alcohol level exceeded
3 the legal limit of .08%.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 (Conviction of a Crime Involving the Use of Alcohol)

6 12. Applicant's application is subject to denial under Code sections 480(a)(1),
7 2761(f) and 2762(c) for unprofessional conduct, in that applicant was convicted of a crime
8 involving the consumption of alcohol. The circumstances are as follows:

9 a. On or about August 27, 1992, in Palm Springs Municipal Court,
10 Desert Branch, case number 9223, entitled *People v. Lori Ann Sallstrom*, applicant was convicted
11 by the court on her plea of guilty to violating Vehicle Code section 23103.5 (Wet Reckless
12 Driving).

13 b. The factual basis for the conviction is that on or about June 22,
14 1992, applicant willfully and unlawfully drove a vehicle after consuming alcoholic beverages.

15 **THIRD CAUSE FOR DENIAL OF APPLICATION**

16 (Conviction of a Crime Involving the Use of Alcohol)

17 13. Applicant's application is subject to denial under Code sections 480(a)(1),
18 2761(f) and 2762(c) for unprofessional conduct, in that applicant was convicted of a crime
19 involving the consumption of alcohol. The circumstances are as follows:

20 a. On or about November 14, 1996, in Riverside County Superior
21 Court, case number 063774, entitled *People v. Lori Ann Sallstrom*, applicant was convicted by
22 the court on her plea of guilty to violating Vehicle Code sections 23152(a) and (b) (driving under
23 the influence) with admission of a prior conviction for driving under the influence of alcohol.
24 The conviction was the second driving under the influence conviction within a seven year period
25 and so was charged as a second offense.

26 b. The factual basis for the conviction is that on or about September
27 14, 1996, at 1:00 p.m., applicant was driving her six year old son and two other children to a
28 Karate class when she made a wrong turn. Applicant realized her mistake and made a U-turn and

1 went back the way she had came. When she attempted to make a left turn, she did not see a Van
2 and collided with the Van. When police responded to the accident, they noted a strong odor of
3 an alcoholic beverage coming from applicant's breath and person. Applicant's eyes were red and
4 watery. Her speech slow and slurred. Applicant failed a field sobriety test and blew into a filed
5 P.A.S. device with a test result of .33%. Applicant admitted to the police that she had been
6 drinking Vodka mixed with cranberry juice. Applicant was then arrested for driving under the
7 influence of an alcoholic beverage.

8 FOURTH CAUSE FOR DENIAL OF APPLICATION

9 (Conviction of a Crime)

10 14. Applicant's application is subject to denial under Code sections 480(a)(1)
11 and 2761(f) for unprofessional conduct, in that applicant was convicted of a crime. The
12 circumstances are as follows:

13 a. On or about June 3, 1997, in Riverside County Superior Court,
14 case number INM069883, entitled *People v. Lori Ann Sallstrom*, applicant was convicted by the
15 court on her plea of guilty to violating Vehicle Code section 12500 (driving without a license).

16 b. On or about March 3, 1997, applicant was driving a vehicle and
17 was stopped by police for an expired registration. At the time of the traffic stop, it was
18 discovered that applicant had a suspended driver's license and was driving without a valid
19 driver's license.

20 FIFTH CAUSE FOR DENIAL OF APPLICATION

21 (Conviction of a Crime)

22 15. Applicant's application is subject to denial under Code sections 480(a)(1)
23 and 2761(f) for unprofessional conduct, in that applicant was convicted of a crime. The
24 circumstances are as follows:

25 a. On or about November 30, 1999, in Riverside County Superior
26 Court, case number INM098190, entitled *People v. Lori Ann Sallstrom*, applicant was convicted
27 by the court on her plea of guilty to violating Vehicle Code section 12500(a) (Hit/Run Property
28 Damage).

1 b. On or about July 16, 1999, applicant was preparing to stop at a stop
2 sign when she rolled forward and hit the rear end of the car that was stopped in front of her at the
3 stop sign. The car in front of applicant pulled over to the side of the road. Applicant saw the car
4 in front of her pull over but failed to stop her vehicle and proceeded to go home. The car that
5 applicant hit took down her license plate number and called police. Police later went to
6 applicant's house and arrested her for hit and run traffic collision.

7 **SIXTH CAUSE FOR DISCIPLINE**

8 (Conviction of a Crime Substantially Related to the Duties of a Registered Nurse)

9 16. Applicant's application is subject to denial under Code section 2761(a) on
10 the grounds of unprofessional conduct as defined in section 2761(f) of that Code in that applicant
11 was convicted of a crime substantially related to the qualifications, functions and duties of a
12 registered nurse as set forth in paragraphs 10 through 14 above, which is realleged and
13 incorporated herein by reference.

14 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

15 (Use of Alcohol in a Dangerous Manner)

16 17. Applicant's application is subject to denial under Code sections 2761(a)(1)
17 and 2762(b) for unprofessional conduct, in that applicant used alcoholic beverages to an extent or
18 in a manner dangerous or injurious to herself and the public when she drove a vehicle while
19 under the influence of alcohol as specified in paragraphs 10 through 12 above, which are
20 realleged and incorporated herein by reference.

21 **EIGHTH CAUSE FOR DENIAL OF APPLICATION**

22 (Use of Alcohol in a Dangerous Manner)

23 18. Applicant's application is subject to denial under Code sections 480(a)(3),
24 2761(a)(1) and 2762(b) for unprofessional conduct, in that applicant used alcoholic beverages to
25 an extent or in a manner dangerous or injurious to herself and the public, or to the extent that
26 such use impaired her ability to practice nursing with safety to the public. The circumstances are
27 as follows:

28 ///

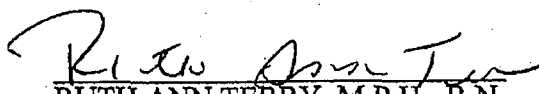
1 a. On Monday, April 10, 2000, applicant was employed as a
2 vocational nurse as Core Home Health Services, Palm Desert California and was responsible for
3 the care of a pediatric patient in his home. Applicant reported to work that day after she had
4 consumed large amounts of alcohol during the weekend. Due to applicant's alcohol
5 consumption, she was not capable of, either mentally or physically, of caring for a patient.
6 Applicant walked with an unsteady gait, had slurred speech, could not focus her eyes and then
7 fell asleep while on the job. Applicant's supervisor was called by the minor patient's mother.
8 Applicant's supervisor found applicant asleep in the patient's room. Applicant was terminated
9 from her position. Applicant later admitted that she is an alcoholic.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Denying the application of LORI ANN SALLSTROM for a Registered
14 Nurse License; and
15 2. Taking such other and further action as deemed necessary and proper.

16 DATED: 4/30/04
17

18 
19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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